

AO 440 (Rev. 8/01) Summons in a Civil Action

060679

UNITED STATES DISTRICT COURT

District of MASSACHUSETTS

Eileen Polizzi, Fund Manager of Teamsters Local
404 Health Services and Insurance Plan

V.

N & B Express, Inc. and James Capelli

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

05 - 30183 - MAP

TO: (Name and address of Defendant)

James Capelli
29 January Hills Road
Shutesbury, MA

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Matthew E. Dwyer, Esq.
Dwyer, Duddy and Facklam, P.C.
Two Center Plaza, Suite 430
Boston MA 02108

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

SARAH A. THORNTON

CLERK

DATE

8/5/05

(By) DEPUTY CLERK

M. G. Hinchey

Service of the Summons and complaint was made by me⁽¹⁾

DATE _____

Sept. 01, 2005 @ 10:30 AM

NAME OF SERVER (PRINT)

NAME OF SERVER (PRINT)
Peter Brulotte

TITLE

TITLE FRANKLIN County - Dep. Sheriff

Check one box below to indicate appropriate method of service

- ## STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

42.94

TOTAL

\$0.00

DECLARATION OF SERVER

Executed on

09-01-05

Date _____

Signature of Server

466 main st. - Greenfield, Ma. 01301
Address of Server

AUGUST 18, 2005

QUICKSERV
ALLSTATE PROCESS SERVERS

RETURN OF SERVICE

I this day SERVED the within named JAMES CAPELLI

by delivering to

(2) ATTEMPTS. THERE IS NO #7 ON STREET –
NUMBERS JUMP FROM #1 TO #9. NO LISTING
WITH TELEPHONE INFORMATION. PLEASE
ADVISE.

in hand, or

leaving at last and usual place of abode, to wit:

No. 7 JANUARY HILL ROAD

in the SHUTESBURY *District of said* FRANKLIN *County an attested*
copy of the SUMMONS, VERIFIED COMPLAINT, NOTICE TO DEFENDANTS, AFFIDAVIT OF
RONALD EASTON, AFFIDAVIT OF EILEEN POLIZZI, MOTION FOR APPROVAL OF TRUSTEE
PROCESS FOR JAMES CAPELLI, MOTION OF TRUSTEE PROCESS OF N&B EXPRESS, INC.,
AND ALLOWED MOTION FOR SPECIAL PROCESS SERVER

Service and travel 28

it being necessary I actually used a
motor vehicle in the distance of
75 *miles in the service of*
this process

Kevin Kohler

Process Server